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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 21/6983**

**Appeal** by John Joe Harte of Rossmore, Carrigtwohill, County Cork against the decision made on the 30<sup>th</sup> day of May, 2022 by Cork County Council to grant subject to conditions a permission to Lagan Materials Limited care of SLR Consulting of Unit 7 Dundrum Business Park, Windy Arbour, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** The development is similar to that previously granted under An Bord Pleanála reference number PL04.QD.0010 and will consist of the deepening of the existing quarry extraction area by two number 15-metre benches from -20 metres OD to -50 metres OD, along with minor amendments to the permitted quarry layout (Plan File Reference Number: S/02/5476 and ABP Reference PL 04.203762 and ABP Reference PL 04.QD.0010) all within the existing permitted quarry footprint and the continued use of the existing water management system (settlement pond/infiltration pond system, permitted under PL 04.QD.0010) for the life of the proposed development, all within an application area of circa 12.6 hectares. An extraction capacity of up to 375,000 tonnes per annum is sought to provide the applicant with the ability to respond to demand for aggregates

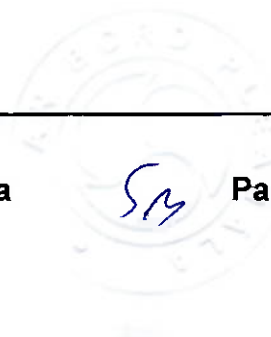
for large infrastructure projects in the region. Permission is sought for twenty years plus two years for final restoration (total duration 22 years). The planning application will be accompanied by an Environmental Impact Assessment Report (EIAR). All at Rossmore, Carrigtwohill, County Cork.

## **Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

## **Reasons and Considerations**

Having regard to the established use of the site, to its planning history and the nature and extent of proposed development, to the pattern of development in this rural area, together with the objectives of the Cork County Development Plan 2022 for such long established uses, it is considered that the proposed development would be in accordance with the provisions of the current Cork County Development Plan, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience of road users. The proposed development, would, therefore, be in accordance with the proper planning and sustainable development of the area.



## Conditions

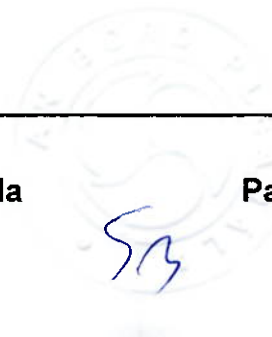
1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 4<sup>th</sup> day of April, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. All relevant conditions of An Bord Pleanála Reference Number 04.QD.0010 shall be strictly adhered to, save as may be amended by other conditions attached hereto.

**Reason:** in the interest of clarity.

3. (a) All mitigation and monitoring commitments identified in the Environmental Impact Assessment Report, Site Restoration Plan and other particulars submitted with the application, as amended in the Further Information submitted on the 4<sup>th</sup> day of April, 2022 shall be implemented in full as part of the proposed development, except as may otherwise be required in order to comply with the following conditions. They shall be compiled into a single Schedule of Monitoring and Mitigation Measures and submitted to the planning authority within six months of the date of this Order.



- (b) Before the 15<sup>th</sup> day of January of each calendar year, the applicant shall submit a summary report of all monitoring carried out in the previous twelve months. This report shall evaluate the operation of the facilities available on site in light of the results achieved in the previous year. All monthly and annual reports shall be certified as accurate and representative by the applicants.

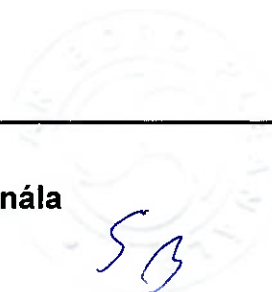
**Reason:** In the interests of clarity and protection of the environment.

4. The use of the quarry and associated plant shall cease on or before the expiration of 20 years from the date of this Order, unless before the end of that period, permission for the continuance of the use beyond that date has been granted.

**Reason:** In the interest of clarity.

5. Extraction of rock, or any other material within this quarry extension, shall not take place below a level of -50 metres Ordnance Datum.

**Reason:** In the interest of clarity.



6. Prior to the deepening of the quarry below -20 metres OD, baseline water quality (including salinity) and flow rate data shall be collected from two intertidal percolation flows through the cobble bank above the mudflats, immediately to the south of Rossmore townland. Water quality shall be monitored annually by qualified surveyors at low flows up to the end of the restoration period. Flow rate will be monitored annually by qualified surveyors and at appropriate times when groundwater head pressure is expected to be highest, up to the end of the restoration period. The results shall be made available to the relevant regulatory authorities, on request. Where water flow is found to be likely to be increasing, a report shall be sent to the relevant regulatory authorities which determines if there is increased risk of flood water building behind the embankments at Rossmore and/or further east at Ballintubbrid West. The extent of coastal erosion of these embankments shall also be assessed and a risk assessment of their over-topping shall be carried out.

**Reason:** To avoid pollution and/or damage to a European site.

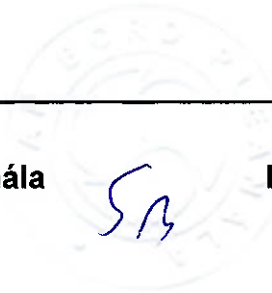
7. The quarry shall be fully restored in accordance with the provisions contained in the EIAR and the Site Restoration Plan submitted with the planning application within twenty-four months of the cessation of quarrying operations. The applicants shall ascertain from the planning authority and submit exact details relating to the Site Restoration Plan for their written agreement, within six months of the date of this Order to include:
  - (a) existing and proposed finished ground levels and details relating to the finished gradients of the quarry face;
  - (b) estimated water level within the flooded void;

- (c) an area of sloped access, extending above and below the water line of the future water body to facilitate safe access and egress to the future water body;
- (d) landscaping and tree planting proposals;
- (e) details of fencing;
- (f) proposals for an aftercare programme, and
- (g) a timescale for implementation, including proposals for phasing of the restoration works.

Restoration of the site shall be carried out in accordance with this plan.

**Reason:** To ensure the rehabilitation of the site in the interest of visual amenity.

- 8. (a) The quarry and all activities occurring therein, shall only operate between 0700 and 1800 hours from Mondays to Fridays and between 0800 and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays except in emergency situations as described in the documentation received by the planning authority on the 4<sup>th</sup> day of April, 2022, without the prior written agreement of the planning authority. No rock-breaking activity shall be undertaken within any part of the site before 0800 hours on any day.
- (b) A written record of all emergency situations (dates and times) shall be maintained and shall be available for inspection by the planning authority on request either in writing or by a member of staff from the planning authority visiting the site.



- (c) A record of all complaints relating to site operations shall be maintained, including name of complainant, date, nature of complaint and summary of applicant's investigation/details. These details shall be submitted in writing to the planning authority every three months.
- (d) A designated member of staff shall interface with the planning authority or members of the public in the event of complaints/queries in relation to quarry operations.

**Reason:** In order to protect the amenities of property in the vicinity.

9. The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority within six months of the date of this Order. This shall include proposals for the following:
- (a) suppression of on-site noise;
  - (b) on-going monitoring of sound emissions at dwellings in the vicinity;
  - (c) suppression of dust on the site and the access road and the prompt removal of any aggregate, silt or muck carried out onto the public road;
  - (d) management of all landscaping;
  - (e) monitoring of ground and surface water quality, levels and discharges;
  - (f) bunding of fuel and lubrication storage areas, location of emergency spill kits and details of emergency action in the event of accidental spillage, and
  - (g) details of site manager, contact numbers (including out-of-hours).

**Reason:** In order to safeguard local amenities.

10. A Dust Minimisation Plan shall be submitted to, and agreed in writing with, the planning authority within six months from the date of this Order.

**Reason:** In the interests of clarity and protection of amenities of adjoining property.

11. (a) Dust levels at the site boundary shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). Details of a monitoring programme for dust shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. Details to be submitted shall include monitoring locations, commencement date and the frequency of monitoring results, and details of all dust suppression measures.
- (b) A monthly survey and monitoring programme of dust and particulate emissions shall be undertaken to provide for compliance with these limits. Details of this programme, including the location of dust monitoring stations, and details of dust suppression measures to be carried out within the entire quarry complex, shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. This programme shall include an annual review of all dust monitoring data, to be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review.



**Reason:** To control dust emissions arising from the development and in the interest of the amenity of the area.

12. The noise level from within the boundaries of the quarry extension area, measured at noise sensitive locations in the vicinity, shall not exceed-
- (a) an LArT value of 55dB(A) during 0700 hours to 1800 hours Monday to Friday and 0700 hours to 1400 hours on Saturdays. The T-value shall be one hour.
  - (b) an LAeqT value of 45dB(A) at any other time. The T-value shall be fifteen minutes.

**Reason:** In order to protect the residential amenities of property in the vicinity.

13. (a) Blasting operations shall take place only between 1100 hours and 1700 hours Monday to Friday, and shall not take place on Saturdays, Sundays or public holidays. Monitoring of the noise and vibration arising from blasting, and the frequency of such blasting, shall be carried out at the developer's expense by an independent contractor which shall be agreed in writing with the planning authority.
- (b) The frequency of blasting shall not be more than twice per month.
- (c) Prior to the firing of any blast, the developer shall give notice of intention to the occupiers of all dwellings within 500 metres of the site. An audible alarm for a minimum period of one minute shall be sounded. This alarm shall be of sufficient power to be heard at all such dwellings.

- (d) Ground vibration shall not exceed a peak particle velocity of eight millimetres per second when measured in any three mutually orthogonal directions at any sensitive location.
- (e) Blasting shall not give rise to air overpressure values at sensitive locations which are in excess of 125 dB (Lin) maximum peak with a 95% confidence limit. No individual air overpressure value shall exceed the limit value by more than 5dB (Lin).
- (f) A monitoring programme, which shall include reviews to be undertaken at annual intervals, shall be developed to assess the impact of quarry blasts. Details of this programme shall be submitted to, and agreed in writing with, the planning authority within six months of the date of this Order. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority. The results of the reviews shall be submitted to the planning authority within two weeks of completion. The developer shall carry out any amendments to the programme required by the planning authority following this annual review

**Reason:** In the interests of public safety and residential amenity.

- 14. Surface water disposal shall be to the satisfaction of the planning authority.

**Reason:** In the interest of proper planning and sustainable development.

- 15. (a) Within six months of the date of this Order, the applicants shall ascertain and comply with all requirements of the planning authority in relation to of the traffic and transport matters.

- (b) All HGVs leaving the site shall turn left onto the L-3619 driving westwards and continue onto the R624. There shall be no right turn onto the L-3619 for HGVs leaving the site. Appropriate signage, to be agreed with the planning authority, indicating this 'No Right Turn' shall be installed at the site entrance. All HGVs coming to the site shall take the R624 and turn onto the L-3619.

**Reason:** In the interests of traffic management and protection of amenity.

16. All HGVs departing the quarry void shall do so via a wheel-wash at the exit of the site.

**Reason:** To safeguard the amenities of the area.

17. For the duration of the proposed development and subject to appropriate health and safety protocols, the developer shall facilitate access by the Geological Survey of Ireland (GSI) scientific staff to the development to monitor and record the geological heritage of the site as development proceeds. Should the GSI determine a geology of value, the Site Restoration Plan shall be revised accordingly in accordance with any recommendations to preserve this heritage where practical, subject to the agreement of the planning authority.

**Reason:** To protect the environment.

18. Within three months of the date of this Order, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.



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**Stephen Brophy**

**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

Dated this 30<sup>th</sup> day of April 2024.